

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PLAISTOW PROJECT, LLC,

Plaintiff,

v.

ACE PROPERTY & CASUALTY
INSURANCE COMPANY,

Defendant.

Civil Action No.1:16-cv-11385

NOTICE OF REMOVAL

**TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

Pursuant to 28 U.S.C. §§ 1332 and 1441, Defendant, Ace Property & Casualty Insurance Company (“Ace” or “Defendant”), removes this action to the United States District Court for the District of Massachusetts. The grounds for removal are:

1. On or about May 24, 2016, Plaintiffs filed a Complaint (“Compl.”) in the Superior Court of the Commonwealth of Massachusetts in and for Norfolk County, initiating an action captioned *Plaistow Project, LLC v. Ace Property & Casualty Insurance Company*, Civil Action No. 16-0677 (“the State Court Action”).
2. A true and correct copy of all process, pleadings, and orders served on Defendant is attached hereto as Exhibit A.
3. Prior to service of the Summons and Complaint in the State Court Action, Ace became aware of this Complaint on June 2, 2016. Accordingly, this Notice of Removal is timely under 28 U.S.C. § 1446(b).

Diversity Jurisdiction

4. The matter in controversy is between citizens of different states:
 - a. Plaintiff is a limited liability company organized under the laws of the Commonwealth of Massachusetts. Based on records on file with the Secretary of the Commonwealth of Massachusetts, its principal place of business is Massachusetts.
 - b. Defendant is a corporation organized under the laws of the Commonwealth of Pennsylvania and has a principal place of business in Pennsylvania.
5. Based on the allegations of the complaint, the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.
6. Removal of this action is proper under 28 U.S.C. § 1441(a) because it is a civil action between citizens of different states in which the amount in controversy exceeds \$75,000.00 exclusive of interest and costs, and as such, this Court has original jurisdiction based on diversity of citizenship pursuant to 28 U.S.C. § 1332(a)(1).
7. Accordingly, Ace hereby removes this action from the Superior Court of the Commonwealth of Massachusetts to this Court, pursuant to 28 U.S.C. § 1332(a)(1) and § 1441(a).

WHEREFORE, Defendant, ACE Property & Casualty Insurance Company, provides notice that this action, initiated in the Superior Court of the Commonwealth of Massachusetts, has been removed to the United States District Court for the District of Massachusetts.

July 1, 2016

Respectfully submitted,

ACE PROPERTY & CASUALTY
INSURANCE COMPANY,

By their attorneys,

/s/ Rachel J. Eisenhaure

David B. Chaffin (BBO # 549245)
chaffind@whiteandwilliams.com
Craig E. Stewart (BBO # 480440)
stewartc@whiteandwilliams.com
Rachel J. Eisenhaure (BBO # 663876)
eisenhaurer@whiteandwilliams.com
WHITE AND WILLIAMS LLP
101 Arch Street, Suite 1930
Boston, MA 02110
(617) 748-5200

CERTIFICATE OF SERVICE

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants, and that a true and correct copy has been served by first class mail on counsel of record for Plaintiff, on this 1st day of July 2016.

/s/ Rachel J. Eisenhaure

Rachel J. Eisenhaure